IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6668 of 2005

Between:

M/s. Voleti Venkatachalam Chetty & SonCompany,

5/427-3, Sreerangarajapuram, Stonehousepet, Nellore –524 002.

Rep. By its Proprietor, Mr. V.Gopalakrishna Murthy.

..... PETITIONER

A N D

1. The Commercial Tax Officer-1, Nellore.

2. The Deputy Commissioner (CT) , Nellore.

3. The Additional Commissioner (CT) Legal,

Andhra Pradesh, Nampally, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ of Certiorari or any other appropriate writ or order or direction quashing the order passed by the 3rd Respondent in CCT's Ref. No. LV(1)/3455/2004, dated 16-02-2005 as arbitrary and unjustified and consequently restrain the1st Respondent from taking any coercive steps for recovery of the disputed tax of Rs. 36,267/- & Rs. 58,157/- for the assessment years 1999-2000 & 2000-01 respectively,

pending disposal of the appeals in T.A.Nos. 171 & 800 of 2003 filed by the Petitioner before the Sales Tax Appellate Tribunal.

Counsel for the Petitioner:MR.A.K.JAISWAL

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following :

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ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

This writ petition has been filed by the petitioner assailing the order dated 16-2-2005 in CCT's Ref.No.LV(1)/3455/2004 passed by the Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad.

2. After hearing the learned counsel for the petitioner and the learned Government Pleader the writ petition is disposed of directing the Sales Tax Appellate Tribunal to dispose of the appeal within a period of two months from the date of receipt of a copy of this order. Pending disposal of the appeal, there shall be interim stay of recovery of disputed tax on condition of petitioner depositing 50% of the tax before the 1st respondent within a period of four weeks, failing which the interim stay stands vacated. No order as to costs.

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G.Bikshapathy, J.

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P.S.Narayana, J.

29th March, 2005

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//True Copy//

Section Officer

To

1. The Commercial Tax Officer-1, Nellore.

2. The Deputy Commissioner (CT) , Nellore.

3. The Additional Commissioner (CT) Legal,

Andhra Pradesh, Nampally, Hyderabad.

4. 2 CCs to G.P. for Commercial Tax, High Court Buildings,

Hyderabad (OUT)

5. 2 CDs

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

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29th March, 2005